

UNITED STATES OF AMERICA  
FOR THE  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CARMEN FIGUEROA,  
Defendant

CRM. No.: 04-10098-WGY

### PROPOSED VOIR DIRE QUESTIONS

NOW COMES, Carmen Figueroa, the Defendant in the above-captioned matter and without waiving her motion for attorney conducted voir dire submits the following proposed voir dire questions for use by this Honorable Court in the empanelment of the jury. Defendant respectfully requests that this Court ask each of the proposed questions in order that the defendant may determine the impartiality of the jury venire, develop challenges for cause and wisely utilize her peremptory challenges.

This case involves an allegation that Ms. Figueroa conspired with others to possess with intent to distribute and to distribute more than five kilograms of cocaine.

Defendant reserves his right to supplement these requests up to and during jury selection.

## DRUGS

1. Do you or does any member of your family or close friend participate in any community group whose purpose is to prevent drug use or abuse or to educate the public about drug use and abuse?
2. Would either the nature of the allegations against Ms. Figueroa or the quantities of drugs alleged to have been distributed by her and others whose cases are not before you make it difficult for you to evaluate the evidence fairly in this case?
3. Have you, or any of your relatives or close friends had any experiences as victims of crime?

Do you believe that drugs contributed in any way to those incidents? Would your experience make it difficult for you to fairly and impartially listen to and evaluate the evidence in this case?

4. Carmen Figueroa is accused of voluntarily participating in a conspiracy to distribute crack cocaine. There is a concern that some of you may know someone who had a drug abuse problem or has been harmed in some way by drugs and as a result you might not be able to be a fair juror in this case. If you have any doubt whether you can evaluate the evidence dispassionately please respond affirmatively to this question.
5. Have you or has any family member or close friend ever been in treatment or counseling for a drug problem? If it is not too personal, would you please tell us about it.

**PUBLICITY**

6. Have you heard or read anything about this case in the media? Please describe how you feel about what you have heard or read?
7. Have you heard or read anything about Carmen Figueroa or Manuel Mendes in the media? If yes, what have you heard or read?

**LAW ENFORCEMENT**

8. Have you, any member of your immediate family or close friend ever applied for employment with or been employed by a law enforcement agency such as: the Federal Bureau of Investigation; Drug Enforcement Agency; Internal Revenue Service; Alcohol Tobacco & Firearms; United States Marshal's Office; state or local police or the office of a prosecutor? If yes, please explain.
9. Would you have a tendency to believe the testimony of a police officer or federal law enforcement agent more or less than that of an ordinary citizen simply because of his or her status as a law enforcement agent? If yes, please explain.

**THE COURT SYSTEM**

10. Do you have strong feelings or beliefs about the criminal justice system that you think might make it difficult for you to sit as a juror in this case? If so, please explain.
11. Have you ever served as a juror in a criminal case before? If yes, please state whether or not the jury deliberated to a verdict and what type of case you sat as a jury member on.
12. Please indicate if you have ever had a negative experience with a lawyer that you think might affect your ability to be fair and impartial to the government, the defendant or the lawyers in this case.

**MISCELLANEOUS**

13. Have any of you or a any of your family members had a negative experience with a psychiatrist which you believe might affect your ability to evaluate the testimony of a psychiatrist in this case?
14. Have any of you been the victim of domestic violence? [If yes, sidebar inquiry requested of circumstances].
15. In order to believe a person is a member of a conspiracy to distribute drugs the government must prove beyond a reasonable doubt that the conspiracy to distribute drugs charged in the indictment existed and that the defendant willfully joined that conspiracy. Willfully means to act voluntarily and intelligently with bad purpose to disobey or disregard the law. Are any of you predisposed to believe that someone whose actions appear consistent with a conspiracy to distribute drugs must inevitability be a member of that conspiracy?

13. Have you, any member of your immediate family or close friend ever worked as an informant or in any undercover capacity or provided tips for any law enforcement agency? If yes, please explain.
14. Have you, any member of your immediate family or close friend ever testified as a witness in a criminal case? If yes, please describe the circumstances surrounding such testimony.
15. Do you feel that a defendant may be found guilty solely because it is shown that a defendant has associated with others who are in fact guilty? If yes, please explain.
16. Do you feel that Carmen Figueroa must be guilty of something or she would not be on trial? If yes, please explain.
17. Are you presently or have you ever been under investigation by any agency of the United States Government? If yes, please explain.

Respectfully submitted,  
**CARMEN FIGUEROA**  
By her Attorney;

Dated: April \_\_\_, 2005

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